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PATENT

Attorney Docket No. 08201.0065-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Rajendra Kumar JOSHI et al.) Group Art Unit: 1617
)
Application No.: 10/571,241) Examiner: Carlic K. HUYNH
)
Filed: September 3, 2004) Confirmation No.: 9619
)
§ 371 Date: March 9, 2006)
)
For: THE USE OF FUMARIC ACID)
DERIVATIVES FOR TREATING CARDIAC)
INSUFFICIENCY, AND ASTHMA)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated February 11, 2008, the Examiner required restriction under 35 U.S.C. §§ 121 and 372 between the following groups of claims:

Group I, Claims 27-28 and 33-49, drawn to a method for the treatment of cardiac insufficiency, myocardial infarct and/or angina pectoris comprising administering to a patient in need thereof a fumaric acid derivative;

Group II, Claims 29-49, drawn to a method for the treatment of asthma and chronic obstructive pulmonary diseases comprising administering to a patient in need thereof a fumaric acid derivative;

Group III, Claims 50-58 drawn to a method of inhibiting bronchial smooth muscle cell proliferation comprising bringing bronchial smooth muscle cells directly or indirectly in contact with a fumaric acid derivative; and

Group IV, Claims 59-64 drawn to a method of preparing a fumaric acid derivative.

In response, Applicant elects the claims of Group I, without traverse.

The Examiner also required election of a single species of (1) a fumaric acid derivative of formula I, II, or III; and (2) a cardiac insufficiency to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner indicated that a single species of fumaric acid derivative from either formula I, II, or III must be elected. In response, Applicant elects myocardial infarct, which is a species of cardiac insufficiency, and the species fumaric acid dimethyl ester, which is a species of formula I (fumaric acid dialkyl esters). Elected claims 27, 33, 35, 36, and 42-49 read on that combination of species.

Applicant respectfully submits that claims 27-28 and 33-49 are in condition for allowance.

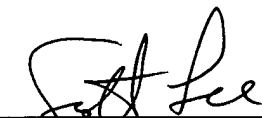
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 9, 2008

By: _____



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